

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAKSMI McKENNA WHITE, and  
TERRY WAGNER,

Defendants.

NO. CR06-186JCC

AGREED ORDER CONTINUING  
TRIAL DATE AND DEADLINE FOR  
FILING PRE-TRIAL MOTIONS

THIS MATTER having come before the Court on the Agreed Motion To Continue Trial Date and Deadline for Filing Pre-Trial Motions, and the Court having considered the motion and the entirety of the records and files herein, the Court finds and rules as follows:

1. The parties have been diligently preparing for trial. The parties commenced a discovery conference under Local Rule 16 on Thursday, June 8, 2006, after the arraignment in this case, and have been in contact on a regular basis concerning plea negotiations, property seizures, discovery, and related matters. In particular, on June 12, 2006, the parties met to discuss plea negotiations and various search and seizure matters at issue in this case.

2. This case involves two defendants that have been charged by Indictment with a conspiracy to distribute marijuana and possession of marijuana with intent to distribute. The government alleges that the charged conspiracy began at a time unknown, but within the last five years, and continued until on or about March 30, 2006. The Indictment also seeks the criminal forfeiture of assets that were used in or obtained as a result of the charged conspiracy.

1           3.       This case involves some relatively complex search and seizure issues involving a  
2 lengthy investigation, a March 30, 2006, stop and search of a vehicle driven by Laksmi McKenna  
3 White, and the later search of two houses that the government alleges were rented and/or controlled  
4 by Laksmi McKenna White and Terry Wagner. The defendants need additional time to investigate  
5 the search and seizure issues in this case, and any other defenses available in light of the facts  
6 presented in this case.

7           4.       The defendants are facing substantial penalties if convicted given the amount of  
8 marijuana involved in the conspiracy and, in the case of Laksmi McKenna White, given her two  
9 prior drug convictions.

10          5.       The undersigned government counsel will be out of the office on leave from  
11 June 15, 2006, through July 14, 2006. This leave was planned several months ago and involved  
12 making significant travel arrangements for the undersigned counsel and her family.

13           THEREFORE, THE COURT FINDS:

14          1.       That the period of time between July 17, 2006, and October 2, 2006, shall be  
15 excluded from computation under 18 U.S.C. §§ 3161(h)(8)(A), and 3161(h)(8)(B)(i) and (iv),  
16 because although the case is not so unusual or complex as to fall within 18 U.S.C. §  
17 3161(h)(8)(B)(ii), it is unreasonable to expect effective preparation for pretrial proceedings or for  
18 the trial itself within the time limits established by the Speedy Trial Act, taking into account the  
19 exercise of due diligence, and because the failure to grant the continuance set forth in this Order  
20 would be likely to make a continuation of this proceeding impossible, or result in a miscarriage of  
21 justice.

22          2.       That the ends of justice served by this continuance outweigh the best interest of the  
23 public and the defendants in a speedy trial.

24           THEREFORE, THE COURT ORDERS THAT:

25          1.       The trial date shall be continued from July 17, 2006, to October 2, 2006.

26          2.       The pre-trial motions deadline shall be continued from June 29, 2006, to  
27               July 13, 2006.

3. The defendants shall file with the Court no later than July 5, 2006, waivers of their rights under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., for the period from July 17, 2006 through October 2, 2006.

IT IS SO ORDERED:

The clerk of the Court is instructed to send uncertified copies of this Order to all counsel of record.

DATED this 28th day of June, 2006.

  
John C. Coughenour  
United States District Judge

Presented by:

s/ Annette L. Hayes  
ANNETTE L. HAYES  
Assistant United States Attorney

s/ Robert M. Leen  
ROBERT M. LEEN  
Counsel for Laksmi McKenna White

s/ Stephan R. Illa  
STEPHAN R. ILLA  
Counsel for Terry Wagner